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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,178	07/29/2003	Bruce Wallman	CHA920030013US1	7181

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HOFFMAN WARNICK & D'ALESSANDRO, LLC  
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ALBANY, NY 12207

EXAMINER
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HO, THOMAS M

ART UNIT	PAPER NUMBER
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2132

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/629,178	<b>Applicant(s)</b> WALLMAN, BRUCE	
	<b>Examiner</b> Thomas M. Ho	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) 2,8 and 14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/29/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-17 are pending.

***Claim Objections***

2. Claims 2, 8, 14-17 are objected to as being dependent on an independent claim. The Examiner notes that obviousness rejections over Fields et al. are disqualified under 35 USC 103(c).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-7, 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Fields et al., US patent 6605120.

In reference to claim 1:

Fields et al. discloses a web server having anti-virus protection, comprising:

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- An active element filter for stripping active elements from web pages being stored at the web server; (Column 3, lines 1-47) & (Column 4, lines 40-45) & (Column 5, lines 1-12)
- An active element insertion system for inserting active elements into stored web pages when the web page is requested, where the stripped active elements are recast as a web page upon request of that page. (Column 3, lines 1-47)

In reference to claim 3:

Fields et al. (Column 5, lines 1-12) discloses the web server of claim 1, wherein the active elements comprise calls to active processes, where the active processes are java applets.

In reference to claim 4:

Fields et al. (Column 5, lines 1-12) & (Column 3, lines 1-40) discloses the web server of claim 1, wherein the active element insertion system generates active elements for requested web pages using constructs stored in compiled code of the web server.

In reference to claim 5:

Fields et al. (Column 5, lines 1-35) & (Column 3, lines 1-40) & (Column 7, lines 35-45) discloses the web server of claim 1, wherein the active element insertion system includes a set of files stored with the web server, wherein each file includes an active element that can be inserted into a requested web page.

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In reference to claim 6:

Fields et al. (Column 5, lines 12-35) discloses the web server of claim 1, wherein the active element insertion system determines what active elements are required in a requested web page based on attributes of the web page, where the attributes include but aren't limited to the title of the page, article text, ad banners, gifs and other attributes of the page.

In reference to claim 7:

Fields et al. (Column 5, lines 1-35) & (Column 3, lines 1-40) & (Column 7, lines 35-45) discloses a method for providing anti-virus protection to a web server, comprising:

- Receiving web pages that are to be stored at the web server, where the stripped web pages are their components are stored by the web server. (Column 5, lines 1-35) & (Column 3, lines 1-40)
- Stripping active elements from the web pages being stored at the web server, where content and components are stripped from the webpage (Column 5, lines 1-12)
- Storing the web pages at the web server; (Column 5, lines 1-30)
- Receiving a request for a web page to be served by the web server, where the request is made by the client. (Column 5, lines 1-30)
- Determining if active elements are required for the requested web page, where the active elements include java applets.

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- Inserting active elements into the request web page if active elements are required, where the stripped elements are recast into the webpage. (Column 3, lines 1-40)
- Serving the requested web page. (Column 5, lines 20-30)

In reference to claim 9:

Fields et al. (Column 6, lines 30-40) discloses the method of claim 7, wherein the step of inserting active elements includes the step of executing compiled code having active element constructs and rules for inserting the constructs into a web page, where the rules for inserting the constructs into a web page are the policy of the filter mechanism, and where the executed compiled code is a java applet. (Column 6, lines 30-40)

In reference to claim 10:

Fields et al. (Column 5, lines 1-35) & (Column 3, lines 1-40) & (Column 7, lines 35-45) discloses the method of claim 7, wherein the step of inserting active elements includes the set of accessing a file having a required active element, where the accessing of files includes .gifs or other components.

Claim 11 is rejected for the same reasons as claim 6.

In reference to claim 12:

Fields et al. discloses a program product stored on recordable medium for providing anti-virus protection to a server, comprising:

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- Means for stripping active elements from files being stored at a server. (Column 5, lines 1-15)
- Means for determining if active elements are required for a file being requested from the server. (Column 5, lines 10-40)
- Means for inserting an active element into the requested file if an active element is required. (Column 5, lines 10-40) & (Column 3, lines 1-15)

In reference to claim 13:

Fields et al. (Column 5, lines 1-35) & (Column 3, lines 1-40) & (Column 7, lines 35-45) discloses the program product of claim 12, wherein the files comprise web pages, where the files are HTML files.

### *Conclusion*

5. The following art not relied upon is made of record:

- US Patent 5832208 discloses a virus filtering system in emails.
- US Patent 5175765 discloses a method of robust data delivery with malicious programs.

6. Any inquiry concerning this communication from the examiner should be directed to Thomas M Ho whose telephone number is (571)272-3835. The examiner can normally be reached on M-F from 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Gilberto Barron can be reached on (571)272-3799.

The Examiner may also be reached through email through [Thomas.Ho6@uspto.gov](mailto:Thomas.Ho6@uspto.gov)


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

General Information/Receptionist Telephone: 571-272-2100 Fax: 571-273-8300

Customer Service Representative Telephone: 571-272-2100 Fax: 571-273-8300

TMH

March 17<sup>th</sup>, 2007

  
GILBERTO BARRON JR.  
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